

Laura L. Donaldson- OSB# 02293  
Kuni Donaldson, LLP  
1975 SW First Avenue  
Suite H  
Portland, OR 97201  
Telephone: (503) 227-3004

UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF OREGON

In Re: )  
Sutton L. Bodry ) Case No: 12-38886-tmb13  
Lisa A. Bodry, )  
Debtors. ) MOTION FOR APPROVAL  
                  ) OF ASSIGNMENT  
                  )

Comes now Debtors, Sutton L. Bodry and Lisa A. Bodry, by and through their Attorney, Laura L. Donaldson, and files this Motion to Approve Assignment Of Right to Pursue Avoidance Action from the Chapter 13 Trustee under 11 U.S.C. §547. Debtors respectfully represent to the Court as follows:

I. Jurisdiction and Venue

This Court has jurisdiction over this Motion pursuant to 28 U.S.C. §§157 and 1334. This Motion is a core proceeding pursuant to 28 U.S.C. §157(b). Venue of these cases in this district is proper pursuant to 28 U.S.C. §§1408 and 1409.

II. Factual Background

1. On November 30, 2012 (the "Petition Date"), the Debtors filed their voluntary petition for relief under Chapter 13 of the Bankruptcy Code with the Clerk of this Court.
2. On October 3, 2012, a judicial lien was entered in favor of Discover Bank against Debtors' real property. This lien was filed within the 90 days prior to the filing of

Kuni Donaldson, LLP  
1975 SW 1st Ave., Suite H  
Portland OR 97201  
Telephone: 503-227-3004

the Chapter 13 bankruptcy creating a preference. The preference does not impair the Debtors' homestead exemption and cannot be avoided under paragraph 6(a) of Debtor's plan; an adversary must be filed under 11 U.S.C. §547.

3. The Chapter 13 Trustee has determined it is not economical to pursue the above action as most, if not all, of the benefit will inure to the debtor and not the estate. Debtor wishes to pursue the §547 action to clear title. Attached hereto as Exhibit "A" is a copy of the Assignment from the Chapter 13 Trustee.

Wherefore, Debtors respectfully request this Court enter an Order approving the proposed Assignment attached hereto.

Dated: March 7, 2013

/s/ Laura L. Donaldson  
Laura L. Donaldson- OSB# 02293  
Attorney for Debtors

Kuni Donaldson, LLP  
1975 SW 1st Ave., Suite H  
Portland OR 97201  
Telephone: 503-227-3004

ASSIGNMENT OF RIGHT TO PURSUE AVOIDANCE ACTION

Wayne Godare, Chapter 13 Trustee, does hereby assign to Sutton L. Bodry and Lisa A. Bodry, and their attorney, Laura L. Donaldson (hereinafter assignees) any and all rights to pursue transfers avoidable pursuant to 11 U.S.C. §547 in the case of In re: Sutton L. Bodry and Lisa A. Bodry, Case No.: 12-38886-tmb13. Wayne Godare believes it is in the best interest of the Chapter 13 estate that the Trustee assign the estate's avoidance claims to the Debtor(s). Wayne Godare makes no warranties or representations regarding the existence or validity of any such claims. Any recovery shall be paid to the Chapter 13 Trustee for distribution to creditors under paragraph 1(e) of the Plan of Reorganization. Neither Wayne Godare nor the bankruptcy estate shall have any duty to reimburse the assignees for any costs or fees incurred in connection with any action pursued under this assignment except as allowed by the bankruptcy court. In accepting this assignment, the assignees agree to indemnify, hold harmless and defend the estate and Wayne Godare from any counterclaims or other claims or causes or action arising from the post petition prosecution of the claims assigned herein.

  
\_\_\_\_\_  
/s/   
Attorney for Wayne Godare, Trustee

Assignment Accepted:

  
\_\_\_\_\_  
/s/ Laura L. Donaldson  
Attorney for Debtor(s)

Laura L. Donaldson- OSB#02293  
Kuni Donaldson, LLP  
1975 SW First Avenue, Suite H  
Portland, OR 97201  
Telephone: (503) 227-3004

CERTIFICATE OF SERVICE

I, Laura L. Donaldson, certify that on March 7, 2013, I served the "Motion For Approval of Assignment"

- Electronically via ECF on the persons listed below:

Wayne Godare, Chapter 13 Trsutee

- Conventional paper service on the following by depositing a true copy thereof in the United States mail in Portland, Oregon, enclosed in a sealed envelope, on the following:

Sutton L. Bodry  
Lisa A. Bodry  
PO Box 211  
Beaverton, OR 97008

Discover Bank  
c/o David W Nelms - CEO  
502 E Market Street  
Greenwood DE 19950

Jeffrey S. Mackie  
Attorney for Discover Bank  
Bishop White Marshall  
720 Olive Way, Suite 1201  
Seattle WA 98101

Discover Bank (per proof of claim)  
Russell Coffill, Bankruptcy Specialist  
c/o DB Servicing Corporation  
PO Box 3025  
New Albany, OH 43054-3025

Dated: March 7, 2013

/s/ Laura L. Donaldson  
Laura L. Donaldson - OSB# 02293